Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

No. 75-680

In the Supreme Court of the United States

OCTOBER TERM, 1975

DAVID KENT CAMPBELL, ET AL., PETITIONERS

v.

MICHAEL J. BEAUGHLER, CAPTAIN, UNITED STATES MARINE CORPS RESERVE, ETC., ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MEMORANDUM FOR THE RESPONDENTS IN OPPOSITION

ROBERT H. BORK,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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The petition for a writ of certiorari was not timely filed. The judgment of the court of appeals in this civil suit was entered on June 23, 1975. The time for filing a petition for a writ of certiorari was extended to and including November 6, 1975, by order of Mr. Justice Douglas dated September 19, 1975 (Pet. 2-3). The time for filing a petition was not further extended, and the petition was not filed until November 7, 1975.

The time limit specified by 28 U.S.C. 2101(c) is jurisdictional. *Toledo Scale Co.* v. *Computing Scale Co.*, 261 U.S. 399, 418. Accordingly, the petition for a writ of certiorari should be denied.

Respectfully submitted.

ROBERT H. BORK,
Solicitor General.

DECEMBER 1975.

DOJ-1975-12